

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA,	§	
Plaintiff,	§	
v.	§	
	§	
ONE 2006 CHEVROLET SILVERADO 2500	§	CIVIL NO. 5:18-CV-00035
PICKUP TRUCK,	§	
VIN: 1GCHK29G96E245061,	§	
Defendant	§	

VERFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

TO THE HONORABLE JUDGE OF SAID COURT:

The United States of America, Plaintiff in the above entitled and numbered cause, by and through its United States Attorney for the Southern District of Texas and its Assistant United States Attorney assigned to this matter, files this action for forfeiture *in rem* against one 2006 Chevrolet Silverado 2500 pickup truck, VIN: 1GCHK29G96E245061, hereinafter “Defendant Vehicle”. In support of this forfeiture complaint, the United States alleges on information and belief the following:

JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this Court by virtue of Title 28, United States Code, §§ 1345 and 1355. The Defendant Vehicle was seized in Zapata County, Texas by the Drug Enforcement Administration (DEA) and is located in the Southern District of Texas. Accordingly, Defendant Vehicle is within the jurisdiction of this Court.
2. Venue is proper in this Court pursuant to Title 28, United States Code, §§ 1391(b) and 1395(a) and (b).

STATUTORY BASIS FOR FORFEITURE

3. This is a civil action *in rem* brought to enforce the provisions of Title 21, United States Code, Section 881(a)(4) which provides for the forfeiture of “[a]ll conveyances, including aircraft, vehicles, or vessels, which are used, or are intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment...” of a controlled substance. The United States alleges that the Defendant Vehicle was used or intended to be used to facilitate narcotic trafficking in violation of Title 21 United States Code and is subject to forfeiture.

FACTUAL BASIS FOR FORFEITURE

4. In support of the assertions in paragraph 3 above, Plaintiff would show the Court that on October 25, 2017, Defendant Vehicle was found abandoned on Loma Verde Road in Zapata, Texas by agents of the United States Border Patrol. Loma Verde Road is located in the area of the Zapata County boat ramp that services Falcon Lake. Border Patrol agents had observed the Defendant Vehicle trailering a Blue Wave 220 Deluxe Pro Boat as it exited the main entrance of the Zapata County boat ramp. Prior to exiting the boat ramp, the Blue Wave 220 Pro Boat had crossed the border between Mexico and the United States via the Rio Salado. The Rio Salado is a tributary which feeds into Flacon Lake from Mexico.

5. Defendant Vehicle turned onto Loma Verde Road and Border Patrol agents lost sight of the Defendant Vehicle and Blue Wave 220 Pro Boat. Shortly thereafter, the Defendant Vehicle was found abandoned at the end of Loma Verde Road. The Blue Wave 220 Pro Boat was still in tow on a Magnum boat trailer.

6. Border Patrol Agent Francisco Villarreal and service canine “Kimbo” traveled to the location where the Defendant Vehicle and boat had been abandoned. “Kimbo” alerted positively to the boat for the presence of narcotics or hidden persons causing Border Patrol agents to search

the boat. A hidden compartment was found under the center console, and thirty-eight bundles of marijuana weighing 121 kilograms were found concealed therein. The Drug Enforcement Administration (DEA) was contacted and the Defendant Vehicle and boat were released to DEA agents.

7. The driver of the Defendant Vehicle on October 25, 2017 was never located. Vehicle registration identify its owner as Ramon R. Benavides.

By reason of the foregoing, the Defendant Vehicle is subject to an Order of Forfeiture to the United States of America.

NOTICE TO ANY POTENTIAL CLAIMANT

YOU ARE HEREBY NOTIFIED that if you assert an interest in the property subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claim must be filed no later than 35 days from the date this complaint is sent in accordance with Rule G(4)(b).

An answer or a motion under Fed. R. Civ. P. 12 must be filed no later than 21 days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this complaint below.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays for the following:

1. That notice of forfeiture issue according to the normal procedure of the Court citing all persons having an interest in the Defendant Vehicle to appear on the return day of said process and make such Claim and Answer as they may have;
2. That a Judgment of Forfeiture be decreed against the Defendant Vehicle;

3. That, following a Judgment of Forfeiture, the Defendant Vehicle be disposed of according to law; and
4. For costs of this action, including costs of seizure and for such additional relief to which Plaintiff may be entitled.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

BY:

s/Mary Ellen Smyth

Mary Ellen Smyth, Assistant U.S. Attorney

Tex. Bar. No. 18779100

Southern District Adm. 31348

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VERIFICATION

I, Pedro Martinez, Special Agent with the Drug Enforcement Administration in Laredo, Texas, declare under penalty of perjury that I am one of the agents responsible for the investigation concerning this litigation. I have read the above Complaint for Forfeiture in rem. Based upon the investigation conducted by myself, other agents of the Drug Enforcement Administration and U.S. Border Patrol of which I have knowledge, the facts contained the Complaint for Forfeiture, paragraphs 4-7, are true and correct to the best of my knowledge and belief.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 15th day of March 2018.


Pedro Martinez, Special Agent
Drug Enforcement Administration

SUBSCRIBED and SWORN to before me the undersigned Notary Public on this the 15TH day of March 2018.




Notary Public for the State of Texas
My Commission Expires: 12/14/21

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of March, 2018, a copy of the foregoing Verified Complaint for Forfeiture in rem with Notice of Forfeiture was mailed via certified mail, return receipt requested to Ramon R. Benavides at 1108 Jackson Street, Zapata, TX. 78076 and first class mail to P.O. Box 2830 Zapata, Texas 78076.

/s/ Mary Ellen Smyth
Mary Ellen Smyth
Assistant United States Attorney